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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,590	08/25/2000	MITSUHIRO HAMASHIMA	A-377	5506
802	7590	01/25/2008	EXAMINER	
PATENTTM.US			NGUYEN, MADELEINE ANH VINH	
P. O. BOX 82788			ART UNIT	
PORTLAND, OR 97282-0788			PAPER NUMBER	
			2625	
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			01/25/2008	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/648,590

Applicant(s)

HAMASHIMA ET AL.

Examiner

Madeleine AV Nguyen

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4,15,16 and 23 is/are allowed.
- 6) ☒ Claim(s) 5-10,12-14,17-22 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 30, 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferren (US Patent No. 4,968,132).

Concerning claim 5, Ferren discloses an image processing system (Fig.1) comprising: an image processing unit (24, 26) including: means for replacing a background portion of a photographic image with a specified background design (desired background); means for specifying a method of processing the background portion (different traveling matte processes) (16); and means for transmitting information indicating said specified method of processing and

said image with the background portion replaced by said specified background design; and an output unit (28 or 58) including: means for receiving image data and information indicating a received method of processing the background portion; means for recognizing a background portion by detecting said specified background design in said received image data; means for carrying out background processing for the recognized background portion based on said received method of processing, generating processed image data replacing the specified background design with a background pattern; and means for printing out said processed image data (Figs.2; Abstract; col. 2, line 68 – col. 3, line 11; col. 3, line 33 – col. 6, line 52; col. 8, lines 5-45).

Ferren does not directly teach a function of specifying a method of processing the background portion. However, Ferren teaches different traveling matte processes which are mostly well-known in the prior art. For instance, the processed image can go to the film recorder 28 in order to be reconverted into a photographic medium by conventional means using a film recorder 28, or the final composite image can go to the film recorder 58 using a new traveling matte process where errors such as dark and white lines outlining the foreground images can be detected using monitor 62 and storage 64 (col. 5, lines 20-32; col. 6, lines 53-59). It would have been obvious to one skilled in the art at the time the invention was made to consider the system in Ferren having a function of specifying a method of processing the background portion since the film recorder 28 and the film recorder 58 have different processes of processing the image.

Concerning claims 6, 8, 9, 10, 17, 18, 19, 20, 24, 25, Ferren further teaches the background design includes color specification; said image comprises a photograph image of a person; image processing system thereby replaces a background portion of the photograph image

of a person with a background suitable for identification photograph use; converting pixels of the background portion into a discontinuous pattern constituting the background pattern; means for replacing a background portion of an image with a specified background design recognizes the boundary between the image and the background portion of the image to define the background portion for replacing (Figs.1-2; Abstract; col. 1, lines 23-40; col. 2, lines 51-57; col. 3, line 12 – col. 4, line 67; col. 5, line 13 – col. 6, line 67).

Claim 7 is method claim of apparatus claim 5. Claim 7 is rejected for the same rationales set forth for claim 5 above. Ferren further teaches the output unit processing replace the background portion with a background pattern wherein errors can be detected and corrected (col. 6, lines 53-67).

Concerning claims 12-14, 21-22 and 26, Ferren discloses an image processing method as discussed in claims 7-10, 19-20 and 25 above.

Allowable Subject Matter

4. Claims 1, 4, 15, 16 and 23 are allowed.
5. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: claims 1, 4, 11, 15, 16 and 23 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches an image processing apparatus and method for carrying out background

processing for the basis of the specified method of processing the background portion to replace the background portion with a background pattern adapted to be printed without creating areas of perceptible unevenness, to avoid visual unevenness from accruing in the background portion wherein the background is replaced with a printed discontinuous pattern on the basis of the specified method of processing the background portion and the discontinuous pattern is chosen from a group consisting of a stripe pattern and a dot pattern.

Conclusion

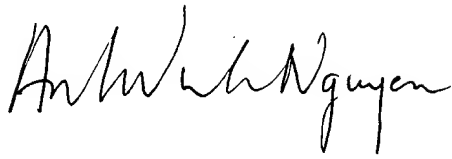
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read "Madeleine AV Nguyen". The signature is fluid and cursive, with the first name "Madeleine" and the last name "Nguyen" being more prominent than the middle initials "AV".

Madeleine AV Nguyen
Primary Examiner
Art Unit 2625

January 22, 2008